

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PHNL040023WO	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/IB2005/050005	International filing date ( <i>day/month/year</i> ) 03 January 2005 (03.01.2005)	Priority date ( <i>day/month/year</i> ) 19 January 2004 (19.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input type="checkbox"/> Box No. VIII	Certain observations on the international application															

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 24 July 2006 (24.07.2006)</p>
	<p>Authorized officer</p> <p style="text-align: right;">Cecile Chatel</p> <p>e-mail: pt13@wipo.int</p>

# PATENT COOPERATION TREATY

REC'D 20 APR 2005

WIPO

PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/B2005/050005

International filing date (day/month/year)  
03.01.2005

Priority date (day/month/year)  
19.01.2004

International Patent Classification (IPC) or both national classification and IPC  
G11B7/004, G11B7/006, G11B7/125

Applicant  
KONINKLIJKE PHILIPS ELECTRONICS N.V.

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2005/050005

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2005/050005

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	5-9
	No: Claims	1-4,10,11
Inventive step (IS)	Yes: Claims	9
	No: Claims	5-8
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the International application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: JP -A- 03 059 821 & corresponding abstract.

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-4, 10 and 11 is not new in the sense of Article 33(2) PCT.

- 2.1 D1 discloses (the references in parentheses applying to this document) a recording apparatus for recording information in a phase change (cf. Figures 5 and 8) information layer of a record carrier (6) by irradiating the information layer by means of a radiation beam (7) comprising:

- a radiation source (2) for emitting said radiation beam for writing, erasing and/or reading information,
- a control unit (11,12) operative for controlling the power of said radiation beam,
- a detection unit (8,10) for detecting previously written marks (Figure 8, c) in said information layer and for determining the mark width ("pit width", Figure 2 a) of previously written marks, said control unit (11,12) being adapted for controlling write parameters ("recording power") for writing information based on the mark width of previously written marks.

Therefore, the features of claims 1 and 10 are known from D1.

- 2.2 The features of claim 11 do not extend beyond claim 1's features in method terms.
- 2.3 The control unit (11,12) of D1 is adapted for changing the recording power of the laser light. It is apparent that the recording power mentioned in D1, which is directed to re-writable phase change recording, includes erasing laser power levels as claimed in claims 2-4.

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 5-8 does not involve an inventive step in the sense of Article 33(3) PCT.
  - 3.1 Nothing inventive can be seen in changing the erasing power levels gradually corresponding to detected width thresholds as claimed in claim 8.
  - 3.2 Measuring HF modulation, cross-talk or signal strength as claimed in claims 5, 6 and 7 respectively appear to be standard measurements in optical recording devices.
4. The combination of the features of dependent claim 9 appears to be neither known from, nor rendered obvious by, the available prior art.

**Re Item VII**

**Certain defects in the international application**

The independent claims are not in the two-part form as required by Rule 6.3(b) PCT, whereby those features which in combination are part of the prior art (see D1) are placed in the preamble.

The document D1 has not been identified in the description nor has the relevant background art disclosed therein been discussed. The requirements of Rule 5.1(a)(ii) PCT are, thus, not fulfilled.

The description is not in conformity with the independent claims. Thus, the requirements of Rule 5.1 (a)(ii)(iii) PCT are not fulfilled.